

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

INTERNATIONAL UNION OF)	
OPERATING ENGINEERS,)	CIVIL ACTION
LOCAL 150, AFL-CIO,)	
)	NO. 07 C 6938
)	
Plaintiff,)	
)	
vs.)	JUDGE: Manning
)	
PRAIRIE ROCK)	MAGISTRATE JUDGE: Cole
EXCAVATING, L.L.C., an Illinois)	
limited liability company,)	
)	
Defendant.)	

MOTION FOR DEFAULT JUDGMENT

Plaintiff, International Union of Operating Engineers, Local 150, AFL-CIO, (hereinafter "Local 150") by its attorneys, moves the Court pursuant to Rule 55 of the Federal Rules of Civil Procedure for entry of judgment by default against Defendant, Prairie Rock Excavating, L.L.C., (hereinafter, "the Company") in the total amount of \$3,675.06 plus Local 150's reasonable attorneys' fees in the amount of \$1,500.00 and their costs of action in the amount of \$850.00. In support of this motion, Local 150 states that:

1. On December 10, 2007, Local 150, filed this action pursuant to §301 of the Labor-Management Relations Act (LMRA), 29 U.S.C. §185. Local 150's Complaint sought to enforce an arbitration award against the Company in the amount of \$3,675.06 (see Declaration of Steven M. Cisco attached hereto as Exhibit 1).

2. On April 16, 2008, Local 150 served the Company with a copy of the Summons and Complaint (a copy of the Summons and Affidavit of Service is attached hereto as Exhibit 2).

Pursuant to Rule 12(a) of the Federal Rules of Civil Procedure, the Company was required to appear and answer Local 150's Complaint on or before May 6, 2008.

3. As of the time of the filing of this motion, the Company has not answered or otherwise filed pleadings in response to Local 150's Complaint.

4. As of this date, Local 150 has expended \$1,500.00 in attorneys' fees for this litigation (see Declaration of Dale D. Pierson attached hereto as Exhibit 3), and \$850.00 in costs (see Declaration of Melissa L. Binetti attached hereto as Exhibit 4).

WHEREFORE, Local 150 respectfully requests this Court for entry of judgment by default against Prairie Rock Excavating, L.L.C., and in favor of Local 150 in the amount of \$3,675.06 plus Local 150's attorneys' fees in the amount of \$1,500.00 and costs in the amount of \$850.00 (a draft Order is attached hereto as Exhibit 5).

Dated: May 23, 2008

Respectfully submitted,

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 150, AFL-CIO,

By: s/Melissa L. Binetti
Attorney for the Plaintiff

Name and Address of Attorneys for the Plaintiff:

Dale D. Pierson
Elizabeth A. LaRose
Melissa L. Binetti
Lauren S. Shapiro
Local 150 Legal Dept.
6140 Joliet Road
Countryside, IL 60525
(708) 579-6663

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she caused a copy of the foregoing *Notice of Motion* and *Motion for Default Judgment* to be served upon:

Prairie Rock Excavating, LLC
c/o Registered Agent Joe Baldo
4345 DiPaolo Center
Glenview, IL 60025

Joe Baldo, President
Prairie Rock Excavating, LLC
1415 Wilmot Road
Deerfield, IL 60015

via U.S. mail on or before the hour of 5:00 p.m. this 23rd day of May, 2008.

By: s/Melissa L. Binetti
Attorney for the Plaintiff

Name and Address of Attorney for the Plaintiff:

Dale D. Pierson
Elizabeth A. LaRose
Melissa L. Binetti
IUOE LOCAL 150
LEGAL DEPARTMENT
6140 Joliet Road
Countryside, IL 60525
(708) 579-6663
(708) 588-1647 - facsimile